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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,436	03/22/2001	Andrew W. Blackett	6270/60	4572

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/814,436

Applicant(s)

BLACKETT ET AL.

Examiner

Patrick J Assouad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed 5/2/01 and 5/16/01 and 6/11/01 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because not every piece of prior art includes a date of publication as required under the Rules. They have been placed in the application file and only partially considered; that is, not all of the information referred to therein has been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statements or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Note: with particular reference to Applicant's inclusion of "Email relating to the general technology of the application received from a competitor", this information will not be considered but merely placed in the application file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-67 are rejected under 35 U.S.C. 102(b,e) as being clearly anticipated by either **Peterson et al.** ("Tapping IED Data to Find Transmission Faults", IEEE, 4/1999) or **Baker et al.** (US 2002/0091784 A1) or **Sumic et al.**(US 6,259,972 B1).

4. **Peterson et al.** and **Baker et al.** and **Sumic et al.** all disclose tapping IED data and transmitting the data to a variety of personnel via an Internet/Intranet firewall.

5. The instant claimed invention is an "electrical power management architecture" which is a claimed combination of an "IED," a "firewall," and a "network interface." See at least Fig. 7 of **Peterson et al.**, Fig. 2 of **Baker et al.**, or Fig. 6 of **Sumic et al.** for the same combination.

6. It is noted that the Applicant makes many clear admissions of the well-known and widely available Internet/Intranet -related prior art throughout the instant Specification. For example, Applicant ' discusses (and subsequently claims) a wide variety of known Internet/Intranet communication/transport protocols and layers, security services/modules and firewall(s) and encryption, e-mail and instant messaging, etc. A few of these admissions are reproduced as follows:

Applicant admits on pg. 37 that:

A firewall is a software program, or combination of software and hardware...that protects the resources of a private network, such as an intranet, from users of other external networks, such as the Internet, coupled with the private network...the firewall

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restricts outgoing connections to external network entities from the internal user by restricting certain types of protocol connections or data transfers...select standard protocols are enabled for both inbound and outbound communication. Standard communication protocols include FTP, NNTP or instant messaging protocols. It may also include SMTP (port 25) type protocols known in the art or other HTTP (port 80) type protocols. It will be appreciated that firewalls are well known in the art.

Applicant admits on pgs. 14-15 that:

The network 110 preferably supports application protocols such as telnet, FTP, POP3, SMTP, NNTP, Mime, HTTP, SMTP, SNMP, IMAP proprietary protocols or other network application protocols as are known in the art as well as transport protocols SLIP, PPP, TCP/IP and other transport protocols known in the art.

Furthermore, Applicant admits on pgs. 23-24 that:

Generally, the preferred embodiments are capable of communicating via any network which transmits information utilizing the TCP and IP, collectively TCP/IP, protocols as are known in the art. TCP/IP is essentially the basic communication language of both the Internet and private intranets... It is preferable that one or more of the application components in the application layer 321 implement TCP compatible protocols for the exchange of their communications over the network. Such TCP compatible protocols include the Instant Messaging protocol, file transfer protocol ("FTP"), or Hypertext Transport Protocol ("HTTP").

On pg. 32, Applicant admits that:

For example, traditional data file formats include comma-separated value files (CSV), which contain values in tables as a series of ASCII text strings organized so each column value is separated by a comma from the next column's value.

And finally, Applicant states on pgs. 40-41 that:

SSL is a commonly-used protocol for managing the security of a message transmission... A security module, or security application, includes the aforementioned encryption, authentication and encryption applications.

7. The Examiner submits or contends that all of the aforementioned admissions of the prior art are inherent in **Peterson et al.**, or **Baker et al.**, or **Sumic et al.** because

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any combination of IED and Internet/Intranet connection through a firewall requires using available well-known communications infrastructure to facilitate proper processing, dissemination and functioning.

8. With respect to the power management functions or commands or formats, as are claimed, the Examiner submits or contends that **Peterson et al.**, or **Baker et al.**, or **Sumic et al.** are all Supervisory Control and Data Acquisition (SCADA) systems. The components of SCADA systems comprise a SCADA device and one or more remotely connected IEDs. A SCADA device may include a computer-based controller which is used to remotely monitor and/or control the operation of one or more remote IEDs such as relays, meters (e.g. "electrical energy" or "watt-hour meter", as claimed), transducers and the like. Thus, the claimed power management functions or commands or formats are also inherent in **Peterson et al.**, or **Baker et al.**, or **Sumic et al.**

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J Assouad whose telephone number is 703-305-3811. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read "Patrick J. Assouad". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Patrick J Assouad  
Primary Examiner  
Art Unit 2857

pja  
January 22, 2003